

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**RICKEY PHILLIPS, as Administrator of the  
Estate of SUSAN PHILLIPS, deceased,**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 2:06CV84WKW**

**PACTIV CORPORATION and  
LOUISIANA-PACIFIC CORPORATION,**

**DEFENDANTS**

**MOTION FOR SCHEDULING AND PLANNING CONFERENCE**

Comes now the Plaintiff and moves the Court to order that the parties confer and consider the matters set out in Federal Rule of Civil Procedure 26(f) and to make appropriate reports to the Court.

Plaintiff further moves that the Court establish a date for a Rule 16(b) scheduling and planning conference.

Plaintiff would further show as follows:

1. This is a case in which conferring in person and attendance at a scheduling conference before this Court would be beneficial.
2. The Defendants were served in February, 2006.

3. Three witnesses and one Plaintiff have died. The diseases alleged to have been caused may move from remission to critical in a short period of time. The Plaintiff cannot show that a party or critical witness is about to die, but does represent that many of them are in poor health.
4. Defendants will not agree to confer or begin general discovery at this time unless ordered by the Court.

Respectfully submitted, this 10<sup>th</sup> day of May, 2006.

/s/ W. Eason Mitchell  
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**Certificate of Service**

I, W. Eason Mitchell, hereby certify that on May 10, 2006, I electronically filed the foregoing *Motion for Scheduling and Planning Conference* with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

H. Thomas Wells, Jr., Esq.  
John A. Earnhardt, Esq.  
Dennis R. Bailey, Esq.  
R. Austin Huffaker, Esq.  
E. Bryan Nichols, Esq.

/s/ W. Eason Mitchell  
W. Eason Mitchell

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